



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5689 OF 2022

Mah. State Co. Tribal Development Corporation Ltd, through its Executive Director
and others **.Vs.** Smt. Gangabai Shrawan Purke and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. D.P. Bhongade, Advocate for petitioners.
Mr. D.I. Charlewar, A.G.P. for respondent/State.
Mr. J.K. Matala, Advocate for respondent No.1.

CORAM : ROHIT W. JOSHI, J.

DATE : 08/10/2025

1. The respondent No.1 was appointed with the petitioner/Corporation on the post of 'Peon' vide appointment order dated 07.06.1999. Appointment was granted under the scheme of Compassionate Appointment. It is undisputed that the date of birth of the respondent No.1 is 16.09.1963, as on the date of her appointment she was around 36 years old. However, although she was appointed on compassionate basis, the appointment was shown on daily wages. The respondent No.1 filed complaint being Complaint (ULP) No.53 of 2019, seeking relief of regularization in service. The said complaint is allowed vide judgment dated 10.10.2019, passed by the Member, Industrial Court, Yavatmal. The learned Industrial Court has directed the petitioners to grant confirmation and treat the respondent No.1 as a regular employee on the

establishment since June, 1999 and has further directed to give all the consequential monetary benefits and other benefits that are admissible to the regular employees. The petitioners have challenged the said judgment and award placing reliance Government Resolution dated 22.08.2005 and particularly, Clause-2(2) thereof which states that candidate above 40 years of age will not be entitled to benefit under scheme of Compassionate Appointment.

2. It is undisputed that on the date of her initial appointment, the respondent No.1 was only 36 years old. The appointment is of the year 1999. The Government Resolution dated 22.08.2005 will not have retrospective operation. Apart from this, Clause 2(2) is not applicable, as on the date of her initial appointment, respondent No.1 was less than 40 years of age. The learned Industrial Court has appreciated the controversy in the matter in the right perspective and has correctly allowed the complaint. No case is made out for interference. Accordingly, writ petition is **dismissed**.

(ROHIT W. JOSHI, J.)